Mr NS Sodhi, Advocate.

This petition has been filed under Section 482 CrPC for issuance of directions to SHO Police Station Mehna (respondent-3) and SI Suresh Kumar of Police Station Mehna (respondent-4) through State of Punjab (respondent-1) and SSP Moga (respondent-2) not to harass or cause any type of interference in the peaceful routine life of the petitioners at the instance of respondent-5. A further direction has been sought to the respondent (no particular respondent mentioned) to convey the outcome of representation (Annexure P1) dated 29.3.2007 marked to respondent-4 on 9.4.2007.

The petitioner has alleged that in front of his residence in village Kapure, in the land jointly owned by the petitioners and his brother there is a Latrine stated to have been constructed for personal use, for the last more than 10 years. There is a Katcha street left near the personal land which leads to the residence of the petitioners and is used as a passage. Photograph (Annexure P2) has been placed on record. The double-storeyed house as shown in Annexure P2, it is alleged, is that of respondent-5 – Kulwinder Kaur and the vacant land lying in front of the house is stated to be jointly owned by Darshan Singh and his brothers. According to the petitioner, a dispute arose about the Latrine constructed since long as shown in Annexure P2 by red line. In order to avoid any dispute, the petitioner filed a civil suit for permanent injunction restraining Smt Kulwinder Kaur (respondent-5) from demolishing the Latrine of the petitioners and from blocking the street rasta leading to the house of the petitioners. Inspite of service, respondent-5, it is stated, did not appear and

has been proceeded against exparte. A copy of the order dated 30.1.2007 passed by the learned Civil Judge (Jr Divn) Moga has been placed on record as Annexure P3. It is submitted that respondent-5 has not stopped from filing false applications in order to cause tension to the petitioners and the family for the petitioners filed representation dated 29.3.2007 (Annexure P1) which has been marked to respondent-4 for necessary action. It is alleged that no action has been taken.

After hearing learned counsel for the petitioners and perusing the record, in my view the dispute with regard to the property is already subject matter of the civil suit which has been filed by the petitioner Darshan Singh and, therefore, this Court cannot interject at this stage and that too in exercise of jurisdiction under Section 482 CrPC. No material has been placed on record to show that the land shown at point – A in the photograph (Annexure P2) is jointly owned by the petitioner Darshan Singh and his brother, as alleged. These aspects would more appropriately be gone into and considered by the civil Court where the matter is pending. Insofar as the representation dated 29.3.2007 (Annexure P1) is concerned, the same is being considered by the Police authorities inasmuch as it has been marked by DSP Moga on 9.4.2007 for necessary action as per law to SI Suresh Kumar (respondent-4). Therefore, action on the same at this stage is also premature.

In view of the above, there is no merit in this petition and the same is accordingly dismissed.

20.4.2007. (S.S.SARON)
ASR JUDGE